

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive
Des Moines, Iowa 50309

June 3, 2019
4:30 PM

I. CLOSED SESSION – 4:00 PM, Lower Level, Conference Room 1

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph i, of the Iowa Code to discuss the professional competency of an individual whose appointment, hiring, performance or discharge is being considered.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

PROCLAMATIONS – 4:15 PM

Des Moines Historical Society 10 Year Anniversary

National Gun Violence Awareness Day

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 50:

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	APRILS SUNRISE TAP	4155 EASTON BLVD	C Liquor
(B)	MICHELLES	3925 E 14TH ST	C Liquor
(C)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	C Liquor
(D)	MY BROTHERS PLACE	2400 DEAN AVE	C Liquor
(E)	ST KILDA CAFE & BAKERY	1011 LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(F)	BLAZE PIZZA	300 W MLK JR PKWY	C Beer/Wine
(G)	CARLS PLACE	1620 WOODLAND	C Liquor
(H)	CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(I)	CJS II	316 E 30TH ST	C Liquor
(J)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(K)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(L)	DELMONICO FINE DINING	2801 FLEUR DR	C Liquor
(M)	DES MOINES CIVIC CENTER	221 WALNUT ST	C Liquor
(N)	EASYGO	2723 GRAND AVE	E Liquor
(O)	EL RANCHO ALEGRE	3308 INDIANOLA	C Liquor
(P)	EXPRESS GROCERY STORE	3428 MLK JR PKWY	C Beer
(Q)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(R)	LA FAVORITA	1700 E GRAND AVE	C Beer
(S)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(T)	LUCCA	420 E LOCUST ST	C Liquor
(U)	MULLETS	1300 SE 1ST ST	C Liquor
(V)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(W)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(X)	PINOTS PALETTE	900 42ND ST	C Beer/Wine
(Y)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(Z)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(AA)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
(BB)	ROYAL FOOD *(1)	1443 2ND AVE	C Beer
(CC)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(DD)	TOBACCO OUTLET PLUS #519	727 SE 14TH ST	C Beer
(EE)	WING STOP	3803 MERLE HAY RD	C Beer/Wine

TRANSFER TO NEW LOCATIONS

(FF)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor	Temporary transfer to the Rock Island for an event on June 17, 2019.
(GG)	BEER COE	493 12TH ST	Five (5) Day License	Special Class C Liquor License (Beer/Wine) for Thursday Food Truck on June 6, 2019. Pending approval of Building and Police Departments.

- (HH) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for New Kids on the Block concert on June 9, 2019.
- (II) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for Steve Miller Band concert on June 13, 2019.
- (JJ) DES MOINES EMBASSY CLUB 100 LOCUST ST Five (5) Day License
Class C Liquor License for a reception on June 15, 2019.
- (KK) DES MOINES EMBASSY CLUB 100 LOCUST ST Five (5) Day License
Class C Liquor License for receptions on June 7 and 8, 2019.
- (LL) DM ARTS FESTIVAL 400 15TH ST Five (5) Day License
Class C Liquor License for festival on June 28 – 30, 2019.
- (MM) DM ARTS FESTIVAL 415 15TH ST Five (5) Day License
Class C Liquor License for festival on June 28 – 30, 2019.
- (NN) DM ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License
Class C Liquor License for festival on June 28 – 30, 2019.
- (OO) DM ARTS FESTIVAL 1418 LOCUST AVE Five (5) Day License
Class C Liquor License for festival on June 28 – 30, 2019.
- (PP) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License
Class C Liquor License for festival on June 28 – 30, 2019.
- (QQ) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Class C Liquor License for festival on June 28 – 30, 2019.
- (RR) DRAKE UNIVERSITY 2719 FOREST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Menace Soccer Game on June 7,
2019.
- (SS) FIRST FLEET CONCERTS 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for Clint Black concert on June 22, 2019. Pending approval
of Zoning Department.
- (TT) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Five (5) Day License
Class B Beer License for Bike Night on June 25, 2019.
- (UU) IOWA CRAFT BEER TENT 1900 SCOTT AVE Five (5) Day License
Class B Beer License for an event at Kemin Industries on June 15, 2019. Pending
approval of Electrical, Police and Zoning Departments.
- (VV) IOWA TAPROOM 200 E 4TH ST Five (5) Day License
Class B Beer License for Iowa Craft Brew Festival on June 15, 2019.

8. [Rescind](#) previous private construction contract approval between JRS Excavating LLC and Elevate Development Company, LLC and approve new private construction contract between The Underground Company, LLC and Elevate Development Company, LLC for Sanitary Sewer Improvements at 1920, 1924, 1932, and 1936 Merle Hay Road.
9. Approving Private Construction Contracts between the following:
 - (A) [Corell](#) Contractor, Inc. and Hotel Francis, LLC for Storm Sewer Improvements in 2650 University Avenue.
 - (B) [Corell](#) Contractor, Inc. and Bell Avenue Properties for Storm Sewer Improvements in SW McKinley Avenue and SW 63rd Street.
10. [Accepting](#) completed construction and approving final payment for Principal Park Outfield Deck Improvements, Minturn, Inc.
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-06.

LAND/PROPERTY TRANSACTIONS

13. [Acceptance](#) of subdivision improvements bond and approval of final subdivision plat for Gray's Station Plat 3, in the vicinity of 1300 Tuttle Street.

[\(Council Communication No. 19-250\)](#)

14. [Authorize](#) voluntary acquisition and to approve and accept real estate documents for portions of property located on the southwest corner of SE 30th Street and Scott Avenue from Myer, LLC (David Silverstein, Manager) for the SE 30th Street and Scott Avenue Detention Basin Project and the SE 30th Street Widening – RR Viaduct to SE Connector Project.

[\(Council Communication No. 19-247\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary property interests for 2nd Avenue Reconstruction – University Avenue to the Des Moines River Project.

[\(Council Communication No. 19-248\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Communication](#) from William Sherman advising of his resignation from the Sister Cities Commission, Seat 9, effective immediately.
17. [Communication](#) from Donald Stockton advising of his resignation from the Building and Fire Code Board of Appeals, Seat 7, effective immediately.
18. [Communication](#) from Russell Cross advising of his resignation from the Neighborhood Revitalization Board, Seat 16, effective immediately.
19. [Recommendation](#) from Council Member Mandelbaum to reappoint Claudia Schabel to the Des Moines Civil and Human Rights Commission, Seat 6, for a three-year term commencing April 16, 2019, to expire April 16, 2022.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) request from Jarcor, LLC (Joseph Cordaro, Officer) for vacation of portions of 18th Street and Grand Avenue adjoining 1723 Grand Avenue to accommodate door stoop footings.
21. [Regarding](#) request from Roosevelt Cultural District (Susan Noland, Officer) for vacation of a 4.44-foot by 3.38-foot rectangle of the 42nd Street and Chamberlain Avenue rights-of-way adjoining the property at 800 42nd Street, to allow the existing masonry pillar to carry private signage in the form of a plaque for the Roosevelt Cultural District.
22. [Regarding](#) request from Linda Casas and Richard Anderson (owners), 827 Scott Avenue, for vacation of the north-south alley between SE 8th Street and SE 9th Street from Scott Avenue on the north to the vacated east-west alley on the south to allow for assemblage and fencing with the adjoining property.
23. [Regarding](#) request from Galway Homes, Inc. (Jim Postma, Officer) for a Preliminary Plat “Via 335” on property located at 335 Forest Avenue.

SETTING DATE OF HEARINGS

24. [On](#) honorary naming of Rollins Street between 41st and 42nd Street as “John Viars Street”, (6-24-19).
25. [On](#) approval of documents for conveyance of excess City-owned property, north of and adjoining 601 Kenyon Avenue to McKayla D. Sloan and Caleb Sloan, \$100, (6-24-19).
26. [On](#) approval of documents for conveyance of excess City-owned property adjoining 2509 Sunset Road to Jan Miller Straub Revocable Trust, \$7,800, (6-24-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Duncan, Green, Brown, & Langeness Law Firm for representation of Police Officer Tyson Teut, \$637.50, Police Officer Cody Grimes, \$2,945 and Police Officer Kyle Thies, \$3,937.50.
28. [Approving](#) waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC of Drake University in certain economic development matters.
29. [Approving](#) waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Independent Community School District in fueling and maintenance services 28E matters.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) travel and training requests for Roger Nowadzky and T.M. Franklin Cownie.

[\(Council Communication No. 19-266\)](#)

APPROVING

31. [Reprogramming](#) and carryover of prior years' unspent Community Development Block Grant (CDBG) funding and other funds for the 2019 HUD Consolidated Plan Programs.

[\(Council Communication No. 19-249\)](#)

32. [HOME](#) Investment Partnership Program (HOME) Agreement with Home Opportunities Made Easy, Inc. (HOME, Inc.) to construct two homeownership units at 210 and 215 Watson Avenue using Community Housing Development Organization (CHDO) Set-Aside funds.

[\(Council Communication No. 19-252\)](#)

33. Items regarding 2019 Polk County Tax Sales:

[\(Council Communication No. 19-253\)](#)

- (A) [Request](#) to Polk County Treasurer and approving agreements with NFC Properties, LLC and Greater Des Moines Habitat for Humanity, Inc. for assignment of tax sale certificates for various properties for development and rehabilitation of housing.
- (B) [Request](#) to Polk County Treasurer and approving agreement with NFC Properties, LLC for assignment of tax sale certificates for various properties, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments to encourage housing redevelopment.
- (C) [Request](#) to Polk County Treasurer for tax sale certificates and acquisition of properties through tax sale process and authorization to request release of property taxes, special assessments, and all City liens and special assessments in order to encourage housing redevelopment.

34. Items regarding Fusion Townhomes at Gray's Station:

[\(Council Communication No. 19-255\)](#)

- (A) [Approving](#) "Fusion East" PUD Development Plan for property at 1170 Tuttle Street to allow development of a 3-story, 18-unit, row multiple-family complex.
- (B) [Approving](#) "Fusion West" PUD Development Plan for property at 1240 Tuttle Street to allow development of a 3-story, 27-unit, row multiple-family complex.
- (C) [Approving](#) final design.

35. [Conditional](#) approval of Collateral Assignment of Urban Renewal Development Agreement with 207 Crocker, LLC.

36. [Preliminary](#) Official Statement for General Obligation Bonds, Series 2019A \$88,365,000, and for Taxable General Obligations Bonds, Series 2019B, \$2,550,000.

[\(Council Communication No. 19-257\)](#)

37. [Fourth](#) Amendment to contract for Single Stream Recyclables Processing Services with Mid-America Recycling, LLC.

[\(Council Communication No. 19-261\)](#)

38. [Amendment](#) to A. H. Blank Park Zoo Lease, Operation, Management and Maintenance Agreement with the Blank Park Zoo Foundation, Inc.

[\(Council Communication No. 19-267\)](#)

39. [One](#)-year renewal of agreement with Kabel Business Services (Jim Kabel, President) to provide claims administration of flexible spending accounts for the period of July 1, 2019 through June 30, 2020.

[\(Council Communication No. 19-262\)](#)

40. [Des](#) Moines Metropolitan Planning Organization (MPO) Fiscal Year 2020 Unified Planning Work Program and Budget and authorizing payment of FY 2020 Assessment, \$217,521.

[\(Council Communication No. 19-251\)](#)

41. [Designating](#) the City Clerk's Office as the official location for filing of nomination papers for elective City offices.

42. [Amendment](#) to the Schedule of Fees applicable to Emergency Medical Services under Chapter 38 of the Municipal Code.

[\(Council Communication No. 19-254\)](#)

43. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 7 banners to be displayed on 7 poles in downtown Des Moines between 15th and 18th Street, June through September 2019.

44. Approving bids from the following:

- (A) [CenturyLink](#) (Jeff Storey, President and Chief Executive Officer) for non-competitive purchase of VIPER emergency call routing system software upgrade to allow for the expansion of three additional workstations as well as radio upgrades in the Police and Fire Emergency Dispatch Center, \$196,297.95.

[\(Council Communication No. 19-263\)](#)

- (B) [Stew](#) Hanson Dodge City (Dan Boettcher, General Manager) for four (4) replacement Dodge Rams, \$112,356 for use by the Fire Department, and Stivers Ford (Scott Politte, General Manager) for 21 replacement Ford Utility Interceptors, \$683,697 for use by the Police Department per State of Iowa Contracts, total \$796,053.

[\(Council Communication No. 19-258\)](#)

- 45. [Civil](#) Service Entrance Lists for Radio Technician, Plans Examiner, Wastewater Facility Safety Manager, and Accountant and Promotional list for Truck Driver.
- 46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 3, 10 and 17, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 3, 10 and 17, 2019; and to draw checks for biweekly payroll due June 7 and 21, 2019.

ORDINANCES - SECOND CONSIDERATION

- 47. [On](#) vacation of a portion of the east-west alley right-of-way, south of and adjoining 319 7th Street.
- 48. [On](#) vacation of portions of Walnut Street right-of-way and 10th Street right-of-way all adjoining 1000 Walnut Street.
- 49. [Amending](#) Chapters 14, 30 and 78 of the Municipal Code regarding license applications for theaters, game rooms, bowling alleys and amusement devices, peddlers and after-hours businesses in conjunction with the new EnerGov Permitting and Licensing System.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Clerk), requires six votes.

ORDINANCES - FINAL CONSIDERATION

- 50. [Amending](#) Chapter 114 of the Municipal Code regarding issuance of special parking permits, as amended.
 - (A) [Approving](#) Street Use Event On-Street Parking Rate Policy.
 - (B) [Approving](#) amendment to the Schedule of Fees.

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FINAL CONSIDERATION

51. [Amending](#) Chapter 26 of the Municipal Code regarding energy and water use benchmarking for certain properties in the City, as amended.

([Council Communication No. 19-265](#))

- (A) [Amendment](#) to the Schedule of Administrative Penalties.
- (B) [Amendment](#) to the Schedule of Fees.

ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

([Council Communication No. 19-246](#))

- (A) Code correction to match field conditions and address sight distance – Lincoln Place Drive, SW 42nd Street to River Oaks Drive.
- (B) Code correction to match field conditions – Grand Avenue inset between 28th Street and 29th Street.
- (C) Code modifications to extend current parking restrictions due to Lake View Ridge – Plat 2 development.
- (D) Parking restriction on 26th Street, Hickman Road to Lincoln Avenue.
53. [Amending](#) Chapter 62 of the Municipal Code regarding discriminatory housing practices and source of income.

([Council Communication No. 19-256](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

COMMUNICATIONS/REPORTS

54. [From](#) Marco Battaglia, Abena Sankofa Imhotep and Toya S. Johnson, to speak regarding homelessness in Des Moines.
55. [From](#) Angela Nemmers, to speak regarding inspection of hotels in Des Moines.

APPROVING

56. [An](#) exception to the procurement ordinance competitive Request for Proposal (RFP) Process for good cause and approving renewal amendment for automated traffic enforcement (ATE) services contract with SENSYS GATSO USA, INC.

[\(Council Communication No. 19-260\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 66)

57. [On](#) approval of documents for vacation of a portion of Maine Street right-of-way, east of and adjoining 100 Indiana Avenue, and conveyance of a permanent easement for building encroachment – door swing to Emogine, Inc. (Stuart Alexander Napier, Officer), \$50.

(A) [First](#) consideration of ordinance above.

58. [On](#) vacation of a portion of the north-south alley right-of-way west of and adjoining 1013 Scott Avenue and conveyance to Thikra Noori Al Mahdawi and Salah Abdulrazzak Abdulwahab, \$150.

(A) [First](#) consideration of ordinance above.

59. [On](#) approval of documents for conveyance of a portion of excess City-owned property located south of and adjoining 998 25th Street to Elizabeth Glick, \$150.

60. [On](#) approval of documents for conveyance of an easement and setback for Building and Fire Code purposes and a permanent easement for building encroachment over and within a portion of excess City-owned property, west of and adjoining 1011 Locust Street, to The Temple Partners, LP (Harry Bookey, Manager), \$8,400.

61. [Dismissing](#) hearing on request from Savannah Homes, Inc. to rezone property at 4320 E. 46th Street from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential) to allow single-family residential development, applicant has withdrawn their application.

62. On appeal from decision of the Historic Preservation Commission by Jonathan Fudge from the conditional grant of an application for a Certificate of Appropriateness, including conditions requiring removal of fascia boards installed prior to the issuance of the Certificate of Appropriateness and requiring the use of half-round gutters and round downspouts at 821 16th Street in the Sherman Hill Historic Neighborhood District. (Choose A, B or C)

[\(Council Communication No. 19-268\)](#)

- (A) [Affirm](#) the decision.
- (B) [Reverse](#) the decision.
- (C) [Remand](#) the appeal back to the Historic Preservation Commission.
63. [On](#) Skywalk HVAC Replacement Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Air-Con Mechanical Corporation (James M. Shaffer, President), \$410,900.

[\(Council Communication No. 19-244\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
64. [On](#) Hubbell Avenue and East Broadway Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc. (Sonny E. Hall, President), \$819,458.20.

[\(Council Communication No. 19-242\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
65. [On](#) Police Academy Firing Range HVAC Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Corn States Sheet Metal Fabricators, Inc. (Douglas W. Golay, Vice President), \$419,850.

[\(Council Communication No. 19-243\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.

66. On Witmer Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$1,103,550.90.

(Council Communication No. 19-245)

- (A) Approving contract and bond and permission to sublet.

*** END OF HEARINGS AT _____ PM ***

EXTRA ITEMS

1. Request from Council Member Connie Boesen to discuss sending a letter to the General Services Administration regarding the Federal Courthouse.
2. Request from Mayor Cownie and Council Members Coleman and Mandelbaum to speak regarding recent events in Virginia Beach and gun control.

MOTION TO ADJOURN.

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